

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

EARNEST LEE WALKER, AIS#187017
Plaintiff,

vs.

COMMISSIONER OF ALABAMA,
DEPARTMENT OF PUBLIC SAFETY et al.,
Defendants.

2005 DEC -9 A 9:30
CIVIL ACTION NO.2:05-1116-T

DEBRA P. MAGGIE CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

PLAINTIFF'S RESPONSE TO DEFENDANTS RESPONSE
TO SHOW CAUSE.

COMES NOW, the Plaintiff Earnest Lee Walker[hereinafter Plaintiff] by-way of pro se litigation submits the following in response to the Defendant's Response to Show Cause Order.

1. In response to number 4 in the Defendant's response , the Plaintiff presents **that his failure to provide an accurate written declaration of his actual living address was not intentional.** The amendment of the Act went into effect on October 1, 2005 changing the 30 days prior to release to 45 days prior to release in 15-20-22(a) (1) **without any notice at all to the plaintiff or other similar situated inmates like the Plaintiff at Ventress Correctional Facility;**
2. Once the Plaintiff was made aware of the fact that the address in Oakland, California was not accurate on November 30, 2005 by Mr. Bruton, the Classification Supervisor at Ventress Correctional Facility, the Plaintiff provided **an accurate written declaration of his actual living address-which is 913 Nellie Street in Mobile, Alabama 36605 or 1359 Spruce Street in Mobile, Alabama 36603 if 913 Nellie does not meet the requirements of 15-20-26;**
3. Thus, the Plaintiff is eligible to be released on probation;
4. In response to the Defendant's response in number 8 & 9 that the Plaintiff is not entitle to a procedural hearing as a prerequisite to community notification-The plaintiff submits that this is based on the amendment of the Act by 2005-301 is without any merits and lacked substance because the Plaintiff has repeatedly requested this hearing before the act was amended pursuant to 15-20-38;
5. Due Process requires that the Plaintiff be provided with prior notice and a hearing and because the ADOC has failed to provide the Plaintiff with either-The Plaintiff right to due process has been violated;
5. "The right to prior notice and a hearing is central to the Constitution's command of due process." "Where a person's good name, reputation, honor, or integrity is at stake because of what the government is doing to him, notice and an opportunity to be heard are essential." Constantineau, 400 U.S. at 437, 91 S. Ct. at 510;
6. The procedures used within the ADOC gave Plaintiff neither;
7. The ADOC Legal Department has not provided the Law Library at Ventress Correctional Facility with an official copy of the new Alabama Sex Offender Registration And Community Notification Statutes [as amended by H.A. ACT NO. 2005 - 301, effective October 1, 2005].

Base on Plaintiff likely success on his procedural due process claim the Plaintiff
is entitled to the injunction he seeks.

Done this 7th day of December, 2005.



EARNEST LEE WALKER, AIS#187017
V.C.F. P.O. BOX 767
CLAYTON, ALABAMA 36016

CERTIFICATE OF SERVICE.

I Hereby certify that I have served a copy of the foregoing on the Defendants pos-
tage prepaid and properly addressed and postage prepaid by placing it in the care of the
U.S. Mail at Ventress Correctional on the 7th day of December, 2005.



EARNEST LEE WALKER, AIS#187017